

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-12346 MLW

MARLOW WILLIAMS, SR.,
Plaintiff.

v.

GRANT CALLENDAR, OTIS
HAREWOOD, GREG LONG,
BRIAN ALBERT, EDWARD
MEADE, JOHN CONROY, AND
THE CITY OF BOSTON,
Defendants.

DEFENDANTS GRANT CALLENDAR, OTIS HAREWOOD, GREG LONG, BRIAN
ALBERT, EDWARD MEADE, JOHN CONROY, AND THE CITY OF BOSTON'S
MOTION TO DISMISS PLAINTIFF'S COMPLAINT PURSUANT TO FED.R.CIV.

12(B)(6).

Pursuant to Fed.R.Civ. P. 12(b)(6), defendants Boston Police Officers Grant Callender, Otis Harewood, Greg Long, Brian Albert, Edward Meade, John Conroy, and the City of Boston ("the defendants") hereby respectfully move this Honorable Court to dismiss plaintiff's complaint for failure to state a claim upon which relief can be granted. In support of their motion, the defendants state:

1. The plaintiff's claims are barred because they necessarily imply the invalidity of his state conviction for resisting arrest; and
2. The plaintiff has not received a "favorable termination" from his conviction of resisting arrest.

In further support of this motion, the defendants submit the attached memorandum of law.

Wherefore, the defendants respectfully request that this Honorable Court dismiss plaintiff's complaint, with prejudice.

DEFENDANTS REQUEST AN ORAL ARGUMENT FOR THIS MOTION

Respectfully submitted,
DEFENDANTS, GRANT CALLENDAR,
OTIS HAREWOOD, GREG LONG, BRIAN
ALBERT, EDWARD MEADE, JOHN
CONROY, AND CITY OF BOSTON
Merita A. Hopkins
Corporation Counsel
By its attorneys:

/s/ Helen G. Litsas
Helen G. Litsas, BBO #644848
Thomas R. Donohue BBO #643483
Assistant Corporation Counsel
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(617) 635-4023 - Litsas
(617) 635-4039 - Donohue

CERTIFICATE OF SERVICE

I, Helen G. Litsas, hereby certify that on this date I served a copy of the foregoing documents upon: the pro se plaintiff, Marlow Williams, Sr., Booking No. 0303857, Suffolk County House of Correction, 20 Bradston Street, Boston, MA 02118, by postage prepaid, first class, U.S. Mail.

12/2/04
Date

/s/ Helen G. Litsas
Helen G. Litsas

